

MANISTEE CITY COUNCIL

WORK SESSION AGENDA

Tuesday, March 13, 2018 - 7:00 p.m. - Council Chambers, City Hall

I. Call to Order.

II. Work Session Items.

- a.) PUBLIC COMMENTS ON WORK SESSION RELATED ITEMS.
- b.) DISCUSSION ON AMBULANCE BILLING FOR CITY RESIDENTS – Public Safety Director Tim Kozal and Deputy Fire Chief Heath Darling.
- c.) DISCUSSION ON USRDA APPLICATION INFORMATION – Public Works Director Jeff Mikula and City Engineer Shawn Middleton.
- d.) DISCUSSION ON MEDICAL MARIHUANA PROVISIONING CENTER – City Manager Thad Taylor.
- e.) DISCUSSION ON FOOD TRUCKS – Planning and Zoning Administrator Denise Blakeslee.
- g.) OTHER.

III. Adjourn.



Memorandum

To: Thad Taylor
City Manager

FROM: Denise Blakeslee
Planning & Zoning Director 

DATE: February 20, 2018

RE: Council Policy TBD – Mobile Food Vending

Denise Blakeslee
Planning & Zoning Director
70 Maple Street
Manistee, MI 49660
231.398.2805
dblakeslee@manisteemi.gov
www.manisteemi.gov

Thad, a policy has been developed by staff with input and review by the DDA and Parks Commission to address Mobile Food Vending in the City. The purpose of the policy is to establish an administrative process that saves time and expense by pre-establishing standards for mobile food vendors while providing a framework under which such businesses operate.

It defines Mobile Food Vending, Mobile Food Vending Unit, Vendor and Operate. Hours of operation are established for Mobile Food Vending on Private Property and City Properties. Establishes rules, under which a vendor shall operate and the additional permits that are needed and penalties for failure to comply.

A separate document provides the standards and permit application forms. Two permit applications have been developed the first is for a vendor who wants to operate on either public or private property within the city; the second is for vendors for events. The recommended fee for the annual permit (January 1 – December 31) is \$250.

As we discussed I have prepared a PowerPoint presentation that covers the policy for the Councils consideration for the March 13, 2018 worksession.



MOBILE FOOD VENDING CP- TBD

Adopted: DATE

PURPOSE: This administrative process saves time and expense by pre-establishing standards for mobile food vendors while providing a framework under which such businesses operate.

DEFINITIONS:

- **Mobile Food Vending** shall mean vending, serving, or offering for sale food and/or beverages from a mobile food vending unit which meets the definition of a Food Service Establishment under Public Act 92 of 2000, which may include the ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in Mobile Food Vending.
- **Mobile Food Vending Unit** shall mean any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.
- **Vendor** shall mean any individual engaged in the business of Mobile Food Vending; if more than one individual is operating a single stand, cart or other means of conveyance, then Vendor shall mean all individuals operating such single stand, cart or other means of conveyance.
- **Operate** shall mean all activities associated with the conduct of business, including set up and take down and/or actual hours where the mobile food vending unit is open for business.

HOURS OF OPERATION:

- Residential Districts
 - Private property between 9 am and 9 pm
- Commercial Districts
 - Private property between 6 am and 11pm
- Industrial Districts
 - Private property during normal business hours of the business on site.
- City owned properties ***(Requires Proof of Insurance)***
 - Boat Launch's/Fishing areas 5 am – 11 pm
 - Arthur Street Boat Launch
 - First Street Boat Launch/Fish Cleaning Station Area/Lions Pavilion Area
 - Ninth Street Boat Launch
 - North Beach Access Parking Lot

- Beaches 9 am – 11 pm (unless otherwise stated)
 - Douglas Recreation Area/First Street Beach - ***Cannot be located with 700 feet of the First Street Beach Concession Stand***
 - Rotary Park Area 9 am – 9 pm
 - Ball Diamonds/Lighthouse Park Area 9 am – 9 pm
 - Fifth Avenue Beach- ***No locations available - cannot be located with 700 feet of the Fifth Avenue Beach Concession Stand.***

- Neighborhood Parks 9 am – 9 pm
 - Duffy Park
 - Hamlin Field Parking Lot
 - Mack Park (Golden Acres Park)
 - Man Made Lake
 - Morton Park
 - Red Szymarek Park
 - Reitz Park
 - Sands Park
 - Riverwalk outside DDA District

- DDA District – 9 am – 10 pm (locations and hours established by the DDA)
 - City public Properties ***(Requires Proof of Insurance)***
 - City Marina
 - Parking spaces on Spruce Street between River Street and Riverwalk
 - On Street Parking spaces at the triangle/fountain area
 - Memorial Drive Parking Lot
 - North Riverwalk and Veterans Memorial Park
 - Private Property

The hours of operation may be amended for special events as approved by City Council. _____

MISCELLANEOUS RULES:

- Vendor shall provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis. Waste ***SHALL NOT*** be disposed of in city receptacles.

- If operating on city-owned or city property, may only locate on such property as established by the City.

- If parked on public streets, vendors shall conform to all applicable parking restrictions. When parked on a public street, shall not operate within thirty (30) feet of any intersection or driveway.

- Not operate on public property within one block of a city-authorized street fair, public festival, farmers market or event except with the authorization of the event sponsor.

- Not use any flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.
- Not use loud music, amplification devices or “crying out” or any other audible methods to gain attention which causes a disruption or safety hazards as determined by the City and shall comply with the City’s Noise Ordinance Chapter 662.
- Permitted one portable “A Frame” sign not to exceed 8 sq. ft. which must be located with five (5) feet of the unit and on private property shall be placed four (4) feet from the public right of way and shall not be place to impede pedestrian/vehicle safety. Signage shall comply with Article 21 Signs of the City of Manistee Zoning Ordinance. Within the DDA District the DDA Director shall approve location for the placement of the sign.
- Comply with all applicable federal, state and county regulations and City Ordinances.
- Mobile food vending units shall not be left unattended for more than two (2) hours and shall be removed after hours of operation.
- Vendor must have written authorization of the power customer to utilize and electricity or power. No power cable or similar device shall be extended at or across any city street, alley or sidewalk except in a safe manner.
- All grey water/untreated waste shall be disposed of in accordance with federal, state and local regulations. Under no circumstances shall dispose of untreated waste into the sewer or storm drains.
- When operating on private property customers will be served on the owners property, serving from the City right of way (sidewalk or street) is prohibited.

PERMITS:

Permits for Mobile Food Vending shall be reviewed by the City Police Department. The permit shall include:

- Approval of the Mobile Food Unit from the Manistee County Health Department, 385 Third Street, Manistee, MI 49660, 231.723.3595
- Inspection and approval from the City of Manistee Fire Department, 281 First Street, Manistee, MI 49660, 231.723.1549
- If fresh meats, frozen foods, etc, approval from the Michigan Department of Agriculture and Rural Development 800.292.3939
- Applicant assumes full responsibility for any damage. Applicant must include proof of insurance that meets standards established by the City. Standards will be established annually by the City Liability Insurance Company and a copy will be provided with the application form.
- Failure to comply with the requirements of the policy could result in the cancellation of the permit.

- There shall be a fee for the permit as established from time to time by the City Council by resolution which Fee Scheduled is incorporated herein by reference.
- Permits are issued for a calendar year (January 1 – December 31) and require renewal. All permits must be prominently displayed on the mobile food vending unit.
- Permits are not transferable.
- A vendor who violates City Council Policy TBD Mobile Food Vending is guilty of a civil fraction in accordance with Section 202.99 of the Code of Ordinance, subject to fines and penalties as provided therein, including the ability to impound any equipment associated with food vending that are not in compliance with this policy and left on public property may be impounded at the owner's expense.



City Clerk
70 Maple Street
Manistee, MI 49660
231.398-2803 (phone)

Mobile Food Vending Standards and Permit Application

The City of Manistee has established Council Policy TBD Mobile Food Vending in the interest of encouraging vendors who add to the vibrancy and desirability of the City of Manistee while providing a framework under which such businesses operate.

DEFINITIONS:

- **Mobile Food Vending** shall mean vending, serving, or offering for sale food and/or beverages from a mobile food vending unit which meets the definition of a Food Service Establishment under Public Act 92 of 2000, which may include the ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in Mobile Food Vending.
- **Mobile Food Vending unit** shall mean any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.
- **Vendor** shall mean any individual engaged in the business of Mobile Food Vending; if more than one individual is operating a single stand, cart or other means of conveyance, then Vendor shall mean all individuals operating such single stand, cart or other means of conveyance.
- **Operate** shall mean all activities associated with the conduct of business, including set up and take down and/or actual hours where the mobile food vending unit is open for business.

HOURS OF OPERATION:

Mobile Food vending within the City of Manistee will be allowed during the following times:

- Residential Districts
 - Private property between 9 am and 9 pm
- Commercial Districts
 - Private property between 6 am and 11pm
- Industrial Districts
 - Private property during normal business hours of the business on site.
- City owned properties ***(Requires Proof of Insurance)***
 - Boat Launch's/Fishing areas 5 am – 11 pm
 - Arthur Street Boat Launch
 - First Street Boat Launch/Fish Cleaning Station Area/Lions Pavilion Area

- Ninth Street Boat Launch
- North Beach Access Parking Lot
- Beaches 9 am – 11 pm (unless otherwise stated)
 - Douglas Recreation Area/First Street Beach - ***Cannot be located within 700 feet of the First Street Beach Concession Stand***
 - Rotary Park Area 9 am – 9 pm
 - Ball Diamonds/Lighthouse Park Area 9 am – 9 pm



- Fifth Avenue Beach - ***No locations available.***

- Neighborhood Parks 9 am – 9 pm
 - Duffy Park
 - Hamlin Field Parking Lot
 - Mack Park (Golden Acres Park)
 - Man Made Lake
 - Morton Park
 - Red Szymarek Park
 - Reitz Park
 - Sands Park
 - Riverwalk outside DDA District



- DDA District - 9am – 10 pm (locations and hours established by the DDA)
 - City properties within the DDA (**Requires Proof of Insurance**)
 - City Marina
 - City Parking Lots
 - North Riverwalk and Veterans Memorial Park
 - South Riverwalk up to Spruce Street

The hours of operation may be amended for special events as approved by City Council.

RULES:

- Vendor shall provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor as needed and remove on a daily basis. Waste **SHALL NOT** be disposed of in city receptacles.
- If operating on city-owned or city property, may only locate on such property as established by the City.
- If parked on public streets, vendors shall serve from the sidewalk, conform to all applicable parking restrictions and shall not interfere with pedestrian, bike or vehicle traffic. When parked on a public street, shall not operate within thirty (30) feet of any intersection or driveway.
- Not operate on public property within one block of a city-authorized street fair, public festival, farmers market or event except with the authorization of the event sponsor.
- Not use any flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.
- Not use loud music, amplification devices or “crying out” or any other audible methods to gain attention which causes a disruption or safety hazards as determined by the City and shall comply with the City’s Noise Ordinance Chapter 662.
- Permitted one portable “A Frame” sign not to exceed 8 sq. ft. which must be located with five (5) feet of the unit. On private property shall be placed four (4) feet from the public right of way and shall not be place to impede pedestrian/vehicle safety. Signage shall comply with Article 21 Signs of the City of Manistee Zoning Ordinance. Within the DDA District the DDA Director shall approve location for the placement of the sign.
- Comply with all applicable federal, state and county regulations and City Ordinances.
- Mobile food vending units shall not be left unattended for more than two (2) hours and shall be removed after hours of operation.
- Vendor must have written authorization from the property owner to use their power. No power cable or similar device shall be extended at or across any city street, alley or sidewalk.

- All grey water/untreated waste shall be disposed of in accordance with federal, state and local regulations. Under no circumstances shall dispose of untreated waste into the sewer or storm drains.
- When operating on private property serving customers from the City right of way (sidewalk or street) is prohibited.
- Applicant assumes full responsibility for any damage. Applicant must include proof of insurance that meets standards established by the City. If vending on City owned Property, A certificate of your general liability insurance evidencing \$1 million per occurrence coverage, with the City of Manistee, 70 Maple Street, Manistee, MI 49660 listed as certificate holder. Additionally, an Endorsement of your insurance policy, naming the City of Manistee as additional insured is required.
- Failure to comply with the requirements of the policy could result in the cancellation of the permit.
- There shall be a fee for the permit as established from time to time
- Permits are issued for a calendar year (January 1 – December 31) and require renewal. All permits must be prominently displayed on the mobile food vending unit.
- Permits are not transferable.



City Clerk
 70 Maple Street
 Manistee, MI 49660
 231.723-2533 (phone)

Mobile Food Vending Permit

Please Print

BUSINESS INFORMATION			
Business Name:			
Name of Food Truck:			
Mailing Address:			
Name of Individual representing business:			
Phone #	Cell #	Email:	
LOCATION INFORMATION			
Will you be vending on City property?		<input type="checkbox"/>	yes <input type="checkbox"/> no
Will you be vending on property located in the DDA District?		<input type="checkbox"/>	yes <input type="checkbox"/> no
Is your business a licensed food service establishment based in the City of Manistee?		<input type="checkbox"/>	yes <input type="checkbox"/> no
Have you or anyone who will be working at the unit been convicted of a felony under the laws of the State of Michigan, United States or other state within the United States?		<input type="checkbox"/>	yes <input type="checkbox"/> no
VENDING UNIT INFORMATION			
Make of Vending Unit		Model of Vending Unit	
Year of Vending Unit		Vin#	
Do you have a fryer?	<input type="checkbox"/> yes <input type="checkbox"/> no	Do you have a grill?	<input type="checkbox"/> yes <input type="checkbox"/> no
Do you have a griddle?	<input type="checkbox"/> yes <input type="checkbox"/> no	Do you have a broiler?	<input type="checkbox"/> yes <input type="checkbox"/> no
How will you be disposing of grey water/untreated waste?			
COOKING FUEL INFORMATION			
Will you be using cooking fuel? <i>If yes complete the following</i>		<input type="checkbox"/>	yes <input type="checkbox"/> no
What type of cooking fuel are you using?			
Where on the unit will the cooking fuel be located?			
How much cooking fuel will be located on the unit?			
EXHAUST HOOD			
Do you have an exhaust hood? <i>If yes complete the following</i>		<input type="checkbox"/>	yes <input type="checkbox"/> no
Who installed the hood?			
What is the address of the installer?			
What is the code/standard/year used in design of the hood?			
What is the mechanical license number?			
SUPPRESSION SYSTEM			
Do you have a suppression system? <i>If yes complete the following</i>		<input type="checkbox"/>	yes <input type="checkbox"/> no
Who installed the suppression system?			
What is the address of the installer?			
What is the code/standard/year used in design of the suppression system?			
What is the mechanical license number?			
What is the month and year of the last inspection found on inspection tag?			
What is the name of the company that performed the inspection?			
What is the phone number of the company that performed the inspection?			
What is the month and year of the last professional hood cleaning?			
What is the name of the company that performed the cleaning?			
What is the phone number of the company that performed the cleaning?			

FUEL PIPING	
Do you have fuel piping? <i>If yes complete the following</i>	<input type="checkbox"/> yes <input type="checkbox"/> no
Who installed the fuel piping?	
What is the address of the installer?	
What is the code/standard/year used in design of the fuel piping?	
What is the mechanical license number?	
FIRE EXTINGUISHER INFORMATION	
Do you have a Class K fire extinguisher? <i>If yes complete the following</i>	<input type="checkbox"/> yes <input type="checkbox"/> no
What is the month and year of the last inspection found on inspection tag?	
What is the name of the company that performed the inspection?	
What is the phone number of the company that performed the inspection?	
Do you have a Class ABC fire extinguisher? <i>If yes complete the following</i>	<input type="checkbox"/> yes <input type="checkbox"/> no
What is the month and year of the last inspection found on inspection tag?	
What is the name of the company that performed the inspection?	
What is the phone number of the company that performed the inspection?	
Required Attachments	
	Copy of most recent hood cleaning and hood inspection reports.
	Approval of the Mobile Food Unit from the Manistee County Health Department, 385 Third Street, Manistee, MI 49660, 231.723.3595
	Inspection and approval from the City of Manistee Fire Department, 281 First Street, Manistee, MI 49660, 231.723.1549
	If fresh meats, frozen foods, etc, approval contact the Michigan Department of Agriculture and Rural Development 800.292.3939
	Proof of Insurance - <i>If vending on City owned Property</i> , A certificate of your general liability insurance evidencing \$1 million per occurrence coverage, with the City of Manistee, 70 Maple Street, Manistee, MI 49660 listed as certificate holder. Additionally, an Endorsement of your insurance policy, naming the City of Manistee as additional insured is required.
	If the Vendor is operating on public property including public parking spaces and parking lots; the vendor needs to add the City of Manistee as Additional Insured onto their Liability insurance coverage for use of City property.
	Michigan Sales Tax License – or slip from Michigan Department of Treasury
	Photograph of the mobile food vending unit
	Copy of State issued photo ID for all employees working at the mobile food vending unit
Agreement to terms of permit	
<p>➤ The undersigned declares and says he/she wishes to be permitted to perform the operation, service or act stated hereon and that the statements made above are true and correct to the best of his/her knowledge and belief. The undersigned further says that he/she will comply with all provisions of the ordinances and policies of the City of Manistee relative to the operation, service or act for which the permit is requested. The undersigned further agrees to hold the City of Manistee free and harmless from all liability which may be imposed upon it, to reimburse the City of Manistee for all expenses of litigation in connection with the defense of claims as such liability and claims may arise because of negligence in the performance of the work or act for which the permit was issued.</p> <p>➤ Permits are issued for a calendar year (January 1 – December 31) and require renewal. All permits must be prominently displayed on the mobile food vending unit. Permits are not transferable.</p> <p>➤ The applicant acknowledges that the City may be required from time to time to release records in its possession. The applicant hereby gives permission to the City to release any records or materials received by the City from the applicant as it may be requested to do so as permitted by the Freedom of Information Act, MCL 15.231et seq.</p>	
Signature: _____ Date: _____	
<input type="checkbox"/> FEE \$250.00	
Office Use Only	
Police Department Review:	Fire Department Inspection:
<input type="checkbox"/> Received proof of Insurance (if vending on City Property)	<input type="checkbox"/> Permit issued



Event Requirements for Mobile Food Vending

GENERAL INFORMATION			
Name of Food Truck:			
Name of Event:			
VENDING UNIT INFORMATION			
Make of Vending Unit		Model of Vending Unit	
Year of Vending Unit		Vin#	
Do you have a fryer?	<input type="checkbox"/> yes <input type="checkbox"/> no	Do you have a grill?	<input type="checkbox"/> yes <input type="checkbox"/> no
Do you have a griddle?	<input type="checkbox"/> yes <input type="checkbox"/> no	Do you have a broiler?	<input type="checkbox"/> yes <input type="checkbox"/> no
How will you be disposing of grey water/untreated waste?			
COOKING FUEL INFORMATION			
Will you be using cooking fuel?		<input type="checkbox"/> yes <input type="checkbox"/> no	
What type of cooking fuel are you using?			
Where on the unit will the cooking fuel be located?			
How much cooking fuel will be located on the unit?			
EXHAUST HOOD			
Do you have an exhaust hood?		<input type="checkbox"/> yes <input type="checkbox"/> no	
<i>If yes attach a copy of the most recent inspection report</i>			
SUPPRESSION SYSTEM			
Do you have a suppression system?		<input type="checkbox"/> yes <input type="checkbox"/> no	
<i>If yes attach a copy of the most recent inspection report</i>			
FUEL PIPING			
Do you have fuel piping? <i>If yes complete the following</i>		<input type="checkbox"/> yes <input type="checkbox"/> no	
Who installed the fuel piping?			
What is the address of the installer?			
What is the code/standard/year used in design of the fuel piping?			
What is the mechanical license number?			
FIRE EXTINGUISHER INFORMATION			
Do you have a Class K fire extinguisher?		<input type="checkbox"/> yes <input type="checkbox"/> no	
Do you have a Class ABC fire extinguisher? <i>If yes complete the following</i>		<input type="checkbox"/> yes <input type="checkbox"/> no	
What is the month and year of the last inspection found on inspection tag?			
What is the name of the company that performed the inspection?			
What is the phone number of the company that performed the inspection?			
Agreement to terms of permit			
<p>➤ The undersigned declares and says he/she wishes to be permitted to perform the operation, service or act stated hereon and that the statements made above are true and correct to the best of his/her knowledge and belief. The undersigned further says that he/she will comply with all provisions of the ordinances and policies of the City of Manistee relative to the operation, service or act for which the permit is requested. The undersign further agrees to hold the City of Manistee free and harmless from all liability which may be imposed upon it, to reimburse the City of Manistee for all expenses of litigation in connection with the defense of claims as such liability and claims may arise because of negligence in the performance of the work or act for which the permit was issued.</p> <p>➤ The applicant acknowledges that the City may be required from time to time to release records in its possession. The applicant hereby gives permission to the City to release any records or materials received by the City from the applicant as it may be requested to do so as permitted by the Freedom of Information Act, MCL 15.231et seq.</p>			
Signature: _____		Date: _____	
<input type="checkbox"/> FEE \$250.00			
Office Use Only			
Police Department Review:		Fire Department Inspection:	